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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,992	01/16/2002	Mitsuru Uesugi	L9289.02101	9109
24257	7590	10/18/2006	EXAMINER	
STEVENS DAVIS MILLER & MOSHER, LLP			ROBERTS, BRIAN S	
1615 L STREET, NW				
SUITE 850			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2616	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,992

Applicant(s)

UESUGI ET AL.

Examiner

Brian Roberts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-18, 20-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18, 20 and 21 is/are allowed.
- 6) ☐ Claim(s) 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's RCE filed on 10/06/2006 is acknowledged.
- Claim 22 has been cancelled.
- Claim 19 is missing.
- Claims 14-18, 20-21, and 23-25 remain pending.

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 19 is missing.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 23-25 are rejected under 35 U.S.C. 102(a) as being anticipated by "Optimization of an Adaptive Link Control Protocol for Multimedia Packet Radio Networks" by J.R. McChesney and R.J. Saulitis, hereafter, McChesney et al.

- In reference to claim 23-25

In Figure 3, McChesney et al. teaches

- A destination radio estimates the channel quality of a communication link upon receiving a message packet from a source radio. The destination radio transmits the channel quality measurements to the source radio in a NACK if there is an error. A plurality of NACK packets containing the channel quality measurements are transmitted if the destination radio receives a plurality of packets from the source radio containing errors (pg. 263, column 2, paragraph 3)
- The source radio receives the NACK and learns the value of the channel quality information (demodulation capacity and traffic conditions). The source radio utilizes the channel quality information (demodulation capacity and traffic conditions) to determine the power level and information rate (capacity for data retransmission) for the next transmission to the destination radio. (pg. 263, column 2, paragraph 3)

Response to Arguments

Applicant's arguments filed 10/11/2006 have been fully considered but they are not persuasive.

- The applicant contends that McChesney does not disclose that a transmission side apparatus (1) detects a capacity necessary for demodulation by a receiving side apparatus based on a reported reception quality and (2) determines a

capacity for data retransmission based on the detected demodulation capacity and traffic conditions.

- The Examiner respectfully disagrees. In Figure 3, McChesney teaches a source radio (transmission side apparatus) that detects capacity necessary for demodulation by receiving from a destination radio (receiving side apparatus) a NACK packet (retransmission request signal) containing the channel quality measurement and the source radio utilizes the channel quality information (demodulation capacity and traffic conditions) to determine the power level and information rate (capacity for data retransmission) for the next transmission to the destination radio wherein the next transmission maybe a re-transmission of a previously transmitted packet (data) that previously resulted in a NACK (retransmission request signal). (pg. 263, column 2, paragraph 3)

Allowable Subject Matter

Claims 14-18 and 20-21 are allowed.

Conclusion

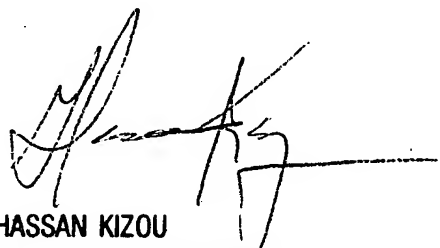
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 10:00-7:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR
10/13/2006

A handwritten signature in black ink, appearing to read 'H. Kizou', with a long horizontal line extending to the right.

HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600